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SENATE MEMORIAL 12

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

John Pinto

A MEMORIAL

EXPRESSING THE SUPPORT OF THE NEW MEXICO SENATE FOR FEDERAL
CHANGES TO IMPROVE THE NAVAJO NATION'S ABILITY TO COLLECT AND
TRACK CHILD SUPPORT PAYMENTS.

WHEREAS, the Navajo Nation is the largest Native American
tribe within the boundaries of the United States and is larger
than ten of the fifty states; and

WHEREAS, Navajo children under the age of eighteen
comprise almost half the total population, and some sixty-one
percent of Navajo grandparents are responsible for
grandchildren under the age of eighteen; and

WHEREAS, over half the population of the Navajo Nation
lives below the poverty level, and over forty percent of
persons on the Navajo Nation are unemployed; and

WHEREAS, collecting child support for children whose

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1 parents are able to pay child support may be critical in the
2 health and education of a good portion of Navajo children; and

3 WHEREAS, the federal government granted the Navajo Nation
4 and thirty-nine other tribes the ability to collect child
5 support, establish paternity and enforce child and medical
6 support obligations, but did not grant the Navajo Nation access
7 to information essential for investigation and enforcement; and

8 WHEREAS, the federal government has suggested that states
9 charge the Navajo Nation for access to important personal files
10 of potential payers of child support; and

11 WHEREAS, the Navajo Nation has suggested five changes the
12 United States congress can make to improve the ability to
13 collect child support for Navajo Nation members; and

14 WHEREAS, the Navajo Nation has collected almost three
15 million dollars (\$3,000,000) in past-due child support and
16 received more than ten thousand acknowledgments of paternity
17 for Navajo children; and

18 WHEREAS, the Navajo Nation department of child support
19 enforcement has collected a total of seven million two hundred
20 forty-eight thousand two hundred thirty-seven dollars
21 (\$7,248,237) in child support during fiscal year 2007;

22 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
23 OF NEW MEXICO that the New Mexico congressional delegation be
24 encouraged to take appropriate steps on behalf of the Navajo
25 Nation to increase its effectiveness in child support

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1 collection and enforcement; and

2 BE IT FURTHER RESOLVED that New Mexico's congressional
3 delegation be urged to take the following steps to improve
4 child support collection on the Navajo Nation:

5 A. eliminate the federal prohibition on the Navajo
6 Nation's ability to purchase and develop its own tribal child
7 support computer system and, therefore, remove the need for the
8 Navajo Nation to pay another government, such as the state of
9 New Mexico, in order to get case information on Navajo
10 residents living in New Mexico;

11 B. allow the Navajo Nation to access "locate and
12 enforcement tools" directly, removing the need to contract with
13 other governments to provide passport denial or revocation,
14 multistate financial institution data matching, the parent
15 locator service, tax offset data and demonstration grants made
16 available by the federal government;

17 C. encourage the federal government to complete its
18 design of a model tribal child support system to increase
19 efficiency and effectiveness;

20 D. reduce the percentage of funds required from the
21 Navajo Nation in order to match federal funds so that the
22 Navajo Nation can receive federal funds to help collect child
23 support even during times of declining employment; and

24 E. provide the Navajo Nation an appeal of the
25 federal determinations of whether a hardship is severe enough

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1 to permit a waiver of strict rules governing required tribal
2 matching funds, and add a possible waiver into federal language
3 for extreme economic problems instead of allowing a waiver only
4 for natural disasters, including extreme weather and calamities
5 such as hurricanes and earthquakes; and

6 BE IT FURTHER RESOLVED that copies of this memorial be
7 transmitted to all members of the state's congressional
8 delegation; and

9 BE IT FURTHER RESOLVED that copies of this memorial be
10 transmitted to the president of the Navajo Nation and to the
11 speaker of the house of the Navajo Nation as well as to the
12 secretary of human services.

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